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**PATENT** 

### IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

Jon Opsal et al.

Application No.: 10/801,023

Filed: March 15, 2004

For: FEED FORWARD CRITICAL DIMENSION CONTROL

Confirmation No.: 1020

Group Art Unit: 2857

Examiner: Unknown

SECOND REQUEST FOR REFUND OF ADDITIONAL OVERPAYMENT CHARGE OF PRESCRIBED FEES

353 Sacramento Street, Suite 2200 San Francisco, CA 94111 Telephone: (415) 772-4900

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450 CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope, addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on July 26, 2005.

STALLMAN & POLLOCK LLP

Dated: 07/26/2005

Georgia K. Stith

Sir:

On June 10, 2005, Applicants received the first Office Action issued in this matter which was mailed by the U.S. Patent and Trademark Office on June 7, 2005.

Also, on June 10, 2005, Applicants received from the PTO the April 29, 2005 Monthly Statement of Deposit Account (copy attached). Applicants were improperly charged a \$180.00 for a 37 CFR §1.17(p) IDS fee on April 26, 2005 (see highlighted entry on the 4-29-05 Monthly Statement of Deposit Account). This erroneous charge of \$180.00 was made to Deposit Account No. 50-1703 (see highlighted entry) for a Second Supplemental IDS that was filed in the U.S. Patent Office on April 25, 2005 (copy attached).

On May 4, 2005, Applicants previously filed a Request for Refund of Overpayment of Prescribed Fees for the amount of \$180.00 (copy attached). As can be seen from this first Request for Refund, Applicants were erroneously charged for the first Supplemental IDS that was filed in the PTO on March 17, 2005, well over a month before the first Office Action was issued in the above-referenced application on June 10, 2005.

Applicants respectfully request a refund of <u>both</u> the erroneous \$180.00 March 18, 2005 and the erroneous \$180.00 April 26, 2005 charges (totaling \$360.00) charged to the Deposit Account 50-1703 when the first Supplemental IDS (received in the PTO 3/17/2005) and the Second Supplemental IDS (received in the PTO 4/25/2005) were filed.

The refunds are requested because <u>no</u> Office Action had been issued in the above-identified matter (see attached 7/20/2005 printout of PAIR File History). As can be seen from the attached documents, Applicants filed their two supplemental IDS documents <u>prior</u> to the first Office Action being issued in this matter. Consequently, <u>no</u> 37 CR §1.17(p) IDS fees should have been charged to the Deposit Account, and Applicants respectfully request refunds of both of the "Fee Code 1806" charges to Deposit Account No. <u>50-1703</u> in the amount of \$360.00.

To date, the overpayment of \$360.00 has neither been returned to us by check nor credited to our Deposit Account No. 50-1703.

Applicants respectfully request that this oversight be corrected by either providing the below-named attorneys with a check in the amount of \$360.00, or by crediting Deposit Account No. 50-1703 in the amount of \$360.00.

Copies are enclosed for reference purposes.

Respectfully submitted,

STALLMAN & POLLOCK LLP

Dated: July 24, 2005

y: 1, 10 Michael A. Stallman

Reg. No. 29,444

Attorneys for Applicant(s)



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STALLMAN & POLLOCK LLP MICHAEL A STALLMAN 353 SACRAMENTO ST SUITE 2200 SAN FRANCISCO CA 94111

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Serial/Patent/Reg. No. 10/801,023 In the Matter of the Application of: Jon Opsal e Title/Mark: FEED FORWARD CRITICAL DI Date Mailed: 4/22/2005	S&PFIC NO. TWI-25010 Et al. MENSION CONTROL	By MAS:gks
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Transmittal Letter Patent Application Pags. specification including pgs. claims prawings sheets formal informal patent Application sheets formal informal patent Application sheets formal informal patent Application sheets formal informal patent Maintenance Statement pgs. claims patent Maintenance Statement pgs. claims patent Maintenance Statement promise	Trudemark (Use) Applin. Dr.  ITU Trademark Application:  Request for Extension  (Notice of Allowance:  Statement of Use/Amendmen  Section 8 & 15 Declaration  Trudemark Renewal Application	to Time (trademark)  to Allege Use on andSpecimen

2rd Supplemental 105 Filed





STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

Jon Opsal et al.

Application No.: 10/801,023

Filed: March 15, 2004

For: FEED FORWARD CRITICAL DIMENSION CONTROL

Confirmation No.: 1020

Group Art Unit: 2857

Examiner: Unknown

SECOND SUPPLEMENTAL INFORMATION DISCLOSURE **STATEMENT** 

353 Sacramento Street, Suite 2200

San Francisco, CA 94111 Telephone: (415) 772-4900 Facsimile: (415) 398-2890

M/S AMENDMENT Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450 CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope, addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on April 22, 2005. STALLMAN & POLLOCK LLP

Dated: 04/22/2005

Sir:

Applicant(s) submit(s) herewith patents, publications or other information [attached hereto and listed on the attached Form PTO-1449 (modified)] of which they are aware, which they believe(s) may be material to the examination of this application and in respect of which there may be a duty to disclose in accordance with 37 CFR § 1.56.

This Information Disclosure Statement:

- (a) accompanies the new patent application submitted herewith. 37 CFR § 1.97(a).
- (b) is filed within three months after the filing date of the application or within three months after the date of entry of the national stage of a PCT application as set forth in 37 CFR § 1.491.



	(c) as far as is known to the undersigned, is filed before the mailing date of a first
	Office Action on the merits, or before a first office action after filing a Request
	Examination under 81.114.
	(d) is filed after the first office action and more than three months after the
	application's filing date or PCT national stage date of entry filing but, as far as is
	known to the undersigned, prior to the mailing date of either a final rejection or a
	notice of allowance, whichever occurs first, and is accompanied by either the fee
	(\$180) set forth in 37 CFR § 1.17(p) or a certification as specified in 37 CFR § 1.97(e), as checked below
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	(e) is filed after the mailing date of either a final rejection or a way.
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•	( ) Joseph Market Marke
	in 37 CFR § 1.97(e), as checked below. This document is to be considered as a petition requesting consideration afther its
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[	(a) of (e) is enecked above the following in
§ 1.97(e)	may need to be completed.] The undersigned certifies that:
(1	f) Each item of information contained in the information disclosure statement was
	cited in a communication mailed from a foreign patent office in a counterpart
	foreign application not more than three months prior to the filing of this
	disclosure statement.
(g	No item of information contained in this information disclosure statement was
	cited in a communication mailed from a foreign patent office in a counterpart
	foreign application or, to the knowledge of the undersigned after making
	reasonable inquiry, was known to any individual designated in 37 CFR § 1.56(c)
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Al	list of the patent(s) or publication(s) is set forth on the attached Form PTO-1449
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A c	copy of the items on PTO-1449 (Modified) is supplied herewith, except as noted
below.	is supplied herewith, except as noted
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Those patent(s) or publication(s) which are marked to	
Those patent(s) or publication(s) which are marked with an asterisk (*) in the form PTO-1449 (Modified) are not supplied bear	e attached
form PTO-1449 (Modified) are not supplied because they: (a) are either U.S. Patent published U.S. patent applications: (b) are a U.S.	s or
* "PP" WILLOUIS, 1111 AFP 2 1 1 C	
Office in a prior application as	itted to the
application for an earlier filing date under 35 U.S.C. § 120.	in this
A concise explanation of relevance of the items is	

A concise explanation of relevance of the items listed on form PTO-1449 (Modified) is:

(h) \( \sum \) not given

(i) \( \sum \) given for each listed item

(j) \( \sum \) given for only non-English language listed item(s) [Required]

(k) \( \sum \) is in the form of an English language copy of a Search Report from a foreign patent office, issued in a counterpart application, which refers to the relevant portions of the references [copy attached]

The Examiner is reminded that a "concise explanation of the relevance" of the submitted items "may be nothing more than identification of the particular figure or paragraph of the patent or publication which has some relation to the claimed invention," MPEP § 609.

While the information and references disclosed in this Information Disclosure Statement may be "material" pursuant to 37 CFR § 1.56, it is not intended to constitute an admission that any patent, publication or other information referred to therein is "prior art" for this invention unless specifically designated as such.

In accordance with 37 CFR § 1.97(g), the filing of this Information Disclosure Statement shall not be construed to mean that a search has been made or that no other material information as defined in 37 CFR § 1.56(a) exists. It is submitted that the Information Disclosure Statement is in compliance with 37 CFR § 1.98 and MPEP § 609 and the Examiner is respectfully requested to consider the listed references.

The Commissioner is hereby authorized to charge our Deposit Account No. 50-1703, under Order No. TWI-25010, for any fees required in connection with the filing of this Information Disclosure Statement. A duplicate copy of this Notice is enclosed for this purpose. In particular, in the event that an Office Action has crossed in the mail with this Information Disclosure Statement, the Commissioner is authorized to charge the



above-named deposit account for any fees required pursuant to CFR §§ 1.17(p) or 1.17(i)(1).

Respectfully submitted,

STALLMAN & POLLOCK LLP

Dated: April U, 2005

Ву:\_

Michael A. Stallman Reg. No. 29,444

Attorneys for Applicant(s)



INFORMATION DISCLOSURE CITATION

(Use several sheets if necessary)

Docket Number (Optional)	
TWI-25010	Application Number
Applicant(s)	10/801,023
Jon Opsal et al.	
Filing Date	
March 15, 2004	Group Art Unit
	2857
Jon Opsal et al. Filing Date March 15, 2004	Group Art Unit

### U.S. PATENT DOCUMENTS

NITIAL	Ref	DOCUMENT NUMBER	DATE	NAME	C	T	<del></del>
	*CA	5,067,805	LIDGUAGE	<del></del>	CLASS	SUBCLASS	FILING DATE
]	*CB	5,233,191	11/26/1991	Corle et al.	359		
]	*CC	5,459,404	08/03/1993	Noguchi et al.	250	235	02/27/1990
	*CD	5,486,701	10/17/1995	Josephs		306	04/02/1991
	*CE	5,517,312	01/23/1996	Norton, et al.	324	751	03/28/1994
	*CF	5,608,526	05/14/1996	Finarov	250	372	03/28/1994
	*CG	5,682,242	03/04/1997	Piwonka-Corle et al.	356	386	04/01/1994
	*CH		10/28/1997	Eylon	356	369	01/19/1995
	*Ci	5,747,813	05/05/1998	Norton et al.	356	401	08/07/1995
	*CJ	5,766,360	06/16/1998	Sato et al.	250	372	04/14/1994
	*CK	5,859,424	01/12/1999	Norton et al.	118	666	03/14/1994
		5,885,045	03/23/1999	Rush	250	226	03/25/1993
		5,889,593	03/30/1999	Bareker	414	417	04/08/1997
	*CM	5,940,175	08/17/1999	Sun	356	445	03/11/1998
		5,943,122	08/24/1999		356	237.3	02/26/1997
	CO	5,957,749	09/28/1999	Holmes	356	73	11/01/1996
	CP	5,991,022	11/23/1999	Finarov	451		07/10/1998
	CQ .	5,994,914	11/30/1999	Buermann et al.	356	6	03/25/1998
*		6,166,801		Tsuruta	324	319	05/15/1998
	CR (	5,304,190	12/26/2000	Dishon et al:	355	765	07/25/1997
	CS 6	304,999	10/16/2001	Blasing	340	27	11/02/1998
*		,424,417	10/16/2001	Toprac et al.		686.3	06/22/1998
*	CT 6	,590,656	07/23/2002	Cohen et al.	716	4	10/23/2000
		7-20,000	07/08/2003	Xu et al.	356	388	12/07/1998
				EIGN PATENT DOCUMEN	356	369	09/21/2001

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				OTHER DOCUMENTS				- 1

#### OTHER DOCUMENTS

Under DOCUMENTS	
(Including Author, Title, Date, Pertinent Pages, Etc.)	
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Examiner	
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Date Considered

Examiner: Initial if citation considered, whether or not citation is in conformance with MPEP Section 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.



In the Matter of the Application of: Jon Opsal et Title/MarkFEED FORWARD CRITICAL DIMENS	Tile No. TWI-25010 By MAS: gks al. ION CONTROL
Date Mailed: 5/2/2005	Duc Date:
The following has been received in the U.S. Patent and Trademark Off XX Request for Refund of Overpayme Transmittal Letter Patent Application	Trademark (Use) Applin., Drawing andSpecimens ITU Trademark Application and DrawingRequest for Extension to Time (trademark) (Notice of Allowance:) Statement of Use/Amendment to Allege Use Section 8 & 15 DeclarationTrademark Renewal Application andSpeciment Opposition to
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## STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

Jon Opsal et al.

Application No.: 10/801,023

Filed: March 15, 2004

For: FEED FORWARD CRITICAL DIMENSION CONTROL

Confirmation No.: 1020

Group Art Unit: 2857

Examiner: Unknown

#### REQUEST FOR REFUND OF OVERPAYMENT OF PRESCRIBED FEES

353 Sacramento Street, Suite 2200 San Francisco, CA 94111 Telephone: (415) 772-4900

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450 CERTIFICATE OF MAILING

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Georgia K. Stith

Sir:

On April 27, 2005, the U.S. Patent and Trademark Office mailed out its March 31, 2005 Monthly Statement of Deposit Account (copy enclosed). An erroneous charge of \$180.00 was made to Deposit Account No. 50-1703 (see highlighted entry).

Applicants respectfully request a refund of the erroneous March 18, 2005 fee of \$180.00 charged to the Deposit Account when the Supplemental Information Disclosure Statement was filed in the PTO March 17, 2005.

The refund is requested because, as of March 17, 2005, no Office Action had been issued in the above-identified matter. Consequently, no 37 CR §1.17(p) IDS fee should have been charged to the Deposit Account, and Applicants respectfully request the refund of the March 18, 2005 "Fee Code 1806" charge to Deposit Account No. 50-1703 in the amount of \$180.00. Applicants attach an April 27, 2005 printout from the PAIR system confirming that no Office Action has been issued in this matter.



To date, the overpayment of \$180.00 has neither been returned to us by check nor credited to our Deposit Account No. 50-1703.

Applicants respectfully request that this oversight be corrected by either providing the below-named attorneys with a check in the amount of \$180.00, or by crediting Deposit Account No. 50-1703 in the amount of \$180.00.

Copies are enclosed for reference purposes.

Respectfully submitted,

STALLMAN & POLLOCK LLP

Dated: \_\_\_\_\_May 2, 2005

Michael A. Stallman Reg. No. 29,444

Attorneys for Applicant(s)



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## PATENT APPLICATION INFORMATION RETRIEVAL





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	06/01/200	Pre-Exam Formalities Notice	PROSECUTION
	03/15/2004	Fee Worksheet (PTO-875)	PROSECUTION
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	03/15/2004	Information Disclosure Statement (IDS) Filed Foreign Reference	PROSECUTION
	03/15/2004	Foreign Reference	PRIOR ART
	03/15/2004		PRIOR ART
	03/15/2004	NPL Documents	PRIOR ART
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	03/15/2004	Authorization from Applicant to treat all replies as incorporating Extension of Time, and charge all fees to a deposit account	PROGRAM
	03/15/2004	Transmittal letter	PROSECUTION
	03/15/2004	Specification	PROSECUTION
L	03/15/2004	Claims	PROSECUTION
L	03/15/2004	Abstract	PROSECUTION
	03/15/2004	Drawings	PROSECUTION
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## PATENT APPLICATION INFORMATION RETRIEVAL



Search results as of: 7-20-2005::13:17:34 E.T.

Search results for application number: 10/801,023			
Application Number:		Customer Number:	28584
Filing or 371(c) Date:		Status:	Non Final Action Mailed
Application Type:	Utility	Status Date:	06-07-2005
	BARBEE, MANUEL L	Location:	ELECTRONIC
Group Art Unit:		Location Date:	-
Confirmation Number:		Earliest Publication No:	US 2004-0267490 A1
Attorney Docket Number:	TWI-25010	Earliest Publication Date:	12-30-2004
Class/ Sub-Class:	702/182	Patent Number:	-
First Named Inventor:	Ion Opsal Livermore.	Issue Date of Patent:	•
Title Of Invention:	Feed forward critical dimension control		

#### **Search Options**

Assignments	
Continuity Data	
Display References	
Image File Wrapper	
Publication Review	
Published Documents	

	File History
Date	Contents Description
06-07-2005	Mail Non-Final Rejection
05-31-2005	Non-Final Rejection
04-25-2005	Reference capture on IDS
04-25-2005	Information Disclosure Statement (IDS) Filed
03-17-2005	Reference capture on IDS
03-17-2005	Information Disclosure Statement (IDS) Filed
02-23-2005	Change in Power of Attorney (May Include Associate POA)
08-31-2004	IFW TSS Processing by Tech Center Complete
08-31-2004	Case Docketed to Examiner in GAU
03-15-2004	Reference capture on IDS
03-15-2004	Information Disclosure Statement (IDS) Filed
07-08-2004	Application Return from OIPE

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07-08-2004	Application Return TO OIPE
07-08-2004	Application Di
07-08-2004	Application Dispatched from OIPE
06-21-2004	Application Is Now Complete Additional Application
06-21-2004	Additional Application Filing Fees  A statement by one or more inventors satisfying the requirement under 35 USC  Notice Mailed, Applic
06-01-2004	Notice Mailed A
04-12-2004	Notice Mailed-Application Incomplete-Filing Date Assigned  Cleared by OIPE CSR
03-24-2004	IFW Scan & PACP And S
03-15-2004	IFW Scan & PACR Auto Security Review Initial Exam Team nn

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#### THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

Jon Opsal et al.

Application No.: 10/801,023

Filed: March 15, 2004

For: FEED FORWARD CRITICAL DIMENSION CONTROL

Confirmation No.: 1020
Group Art Unit: 2857

Examiner: Unknown

SECOND SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

353 Sacramento Street, Suite 2200 San Francisco, CA 94111 Telephone: (415) 772-4900 Facsimile: (415) 398-2890

M/S AMENDMENT Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450 **CERTIFICATE OF MAILING** 

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope, addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on April 22, 2005.

STALLMAN & POLLOCK LLP

Dated: 04/22/2005

Georgia K. Slith

Sir:

Applicant(s) submit(s) herewith patents, publications or other information [attached hereto and listed on the attached Form PTO-1449 (modified)] of which they are aware, which they believe(s) may be material to the examination of this application and in respect of which there may be a duty to disclose in accordance with 37 CFR § 1.56.

This Information Disclosure Statement:

- (a) accompanies the new patent application submitted herewith. 37 CFR § 1.97(a).
- (b) is filed within three months after the filing date of the application or within three months after the date of entry of the national stage of a PCT application as set forth in 37 CFR § 1.491.

14/26/2005 ERREGAY1 00000045 501703 10801023

Atty Docket No.: TWI-25010

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